

Forest Venture II, LLC
(c/o Richard Talkin Esq.),
Petitioner
ZRA 122

* PLANNING BOARD OF

* HOWARD COUNTY, MARYLAND

* * * * *

MOTION: To recommend denial of the proposal to amend Sections 118 and 119 of the Zoning Regulations to permit residential dwelling units in the B-1 and B-2 Districts to comprise up to a maximum of 50 percent of the floor area of a structure provided the dwelling units are located above the first floor level.

ACTION: *Recommended denial of Petition; Vote 3 to 0.*

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RECOMMENDATION

On December 10, 2009, the Planning Board of Howard County, Maryland, considered the petition of Forest Venture II, LLC (c/o Richard B. Talkin, Esq.) to amend Sections 118 and 119 of the Zoning Regulations to permit residential dwelling units in the B-1 and B-2 Districts to comprise up to a maximum of 50 percent of the floor area of a structure provided the dwelling units are located above the first floor level.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation were presented to the Board for its consideration. The Department of Planning and Zoning recommended that the Petitioner's request be approved.

The Petitioner was represented by Sang Oh, Esq. Angie Beltram, representative for the Howard County Citizens Association (HCCA); Cathy Hudson; and Ralph Ballman appeared in opposition to the petition.

Mr. Oh said that the Technical Staff Report talks about the evolution of residential use in B-1 and B-2 through history. He said this particular use is treated differently today than it was in the 1950's and even in 1977. Mr. Oh said that the residential provision was originally intended as more of a "mom and pop" type set-up to allow small business owners to live over their business and today there are not many of this type of business. He said that shopping centers are the typical format for businesses today in the Route 40 corridor, and the existing provision in the Zoning Regulations is extremely difficult to use and enforce. He said the amendment is being proposed for the purpose of creating a mixed-use development for the existing Forest Motel and Diner under ZB 1084M. He said if mixed-use is facilitated, the appearance of retail should be softened and this is an attempt to improve on the residential component in B-1 and B-2 in the current Zoning Regulations that is not used.

A board member asked Mr. Oh what a typical size would be for a building with a residential component and questioned whether a minimum size should be established for residential units as some buildings may be small enough that an apartment based on the size of a building would be impractical. Mr.

1 Discussion:

2 The Board discussed the "blanket" approach that the amendment would have on all B-1 and B-2
3 properties and agreed that it affects too many properties throughout the County. The Board concurred that a
4 Conditional Use may be the appropriate path for implementing the objectives of the proposal, and that the
5 currently limited intention of the regulations to provide living space should be retained as it exists in B-1
6 and B-2. Denial of the proposal as written was recommended with the recommendation that instead the use
7 be addressed through the Conditional Use process. The Board determined that such an approach does not
8 require the case to return to the Planning Board.

9 Vote:

10 Mr. Yelder restated the motion as being for denial of the petition as written with the stipulation that
11 the Board would support reworking the proposal as a Conditional Use. The restated motion passed by a
12 vote of 3 to 0.


13 HOWARD COUNTY PLANNING BOARD

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Linda A. Dombrowski, Chairperson

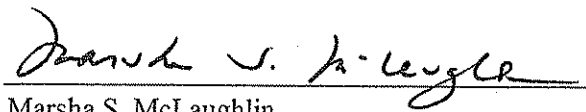
15 
David Grabowski, Vice Chairperson

16 ARSENT

17 Tammy J. CitaraManis

18 
19 Paul Yelder

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21
22 ATTEST:

23 
24 Marsha S. McLaughlin
25 Executive Secretary